

Amendment in response to
July 27, 2006 Office action

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Atty Dkt No.: 2000P07532US01
Serial No.: 09/742,696

REMARKS

Claims 1 – 16 remain in the application and stand rejected. Claims 1, 12 and 16 are amended herein. New claims 17 – 20 are added. No new matter has been added. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claims 1, 12 and 16 are amended herein for grammar and clarity. No new matter is added.

New claims 17 – 20 are added herein and are supported by the specification as filed, specifically, by Figure 1 and page 2, lines 13 – 17. As PBX based telephony services may be upgraded by adding an Internet server including the software dispatcher recited in claim 1 (See, e.g., page 1, lines 23 – 28.), for example; once added, an upgraded preferred system includes the PBX and the software dispatcher, which can “dynamically add features to telephony devices coupled to said private branch exchange.” Claim 18, *and see*, claim 1, lines 3 – 5, and claims 19 and 20. No new matter is added. Independent consideration and allowance of claims 17 – 20 is respectfully requested.

Claims 1 – 4 are rejected as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,446,127 to Schuster et al. in view of published U.S. Patent Application No. 2003/0058277 to Bowman-Amauh. Claims 5 – 16 are rejected as being unpatentable under 35 U.S.C. §103(a) over Schuster et al. and Bowman-Amauh in view of U.S. Patent No. 6,209,018 to Ben-Sachar et al. The rejection is respectfully traversed.

It is asserted that Schuster et al. teaches the recited software dispatcher with “**a telephony Internet server** (usage of Internet Telephony Gateway, col., 6, lines 51 – 60, col., 10, lines 26 – 34) **coupled between a packet network** (IP network, Ethernet LAN VoIP on Internet, col., 6, lines 45 – 54) **and a private branch exchange** (PSTN and PSTN Central Office, col., 6, lines

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48 – 61, usage of PBX, col. 3 lines 38 – 40),” (emphasis the Examiner’s). However, the Schuster et al. system very clearly does not include a private branch exchange. The Office action acknowledges, however, that Schuster et al. fails to teach load balancing and synchronously and asynchronously sending messages. Thus, in rejecting claims 1 – 4, it is asserted that Bowman-Amauh teaches load balancing and synchronously and asynchronously sending messages. The Office action further acknowledges, however, that neither Schuster et al. nor Bowman-Amauh teaches managing “a pool of message threads to balance” or, “a list of unique integers identifying ... dispatcher clients ... to receive ... messages.” Thus, in rejecting claims 5 – 16, the Office action asserts that Ben-Sachar et al. teaches managing “a pool of message threads to balance” or, “a list of unique integers identifying ... dispatcher clients ... to receive ... messages.”

Schuster et al. teaches a packet based telephone system, i.e., a “system and method for providing user mobility services on a data network telephony system. User attributes may be transmitted from a portable information device, such as a personal digital assistant, to a voice communication device, such as an Ethernet-based telephone.” Abstract (emphasis added). While Schuster et al. provides extensive discussion of PBX features provided in a non-residential setting, this discussion is restricted to the Schuster et al. Background. Col. 1, line 14 – col. 3, line 40. Moreover, Schuster et al. specifically recites that it “would be desirable to incorporate CLASS and PBX features into a data network telephony system that uses a data network such as the Internet,” i.e., a packet based telephone system. Col. 3, lines 37 – 40 (emphasis added). If PBX features are incorporated into a packet network, why would one need a PBX as well? Certainly, the applicants could find nothing in Schuster et al. or any other reference of record that would suggest such an addition. Thus, the absence of a PBX in the Schuster et al. exemplary embodiment of Figure 1, for example. See, col. 1, lines 31 – 41, and see, Figures 2 – 15. Certainly, if Schuster et al. were actually to teach an Internet based digital telephone system with a PBX, the PBX would show up in one of the Figures or in the discussion of the figures or somewhere besides in the Background discussion. Instead, Schuster et al. teaches using external devices (PIIDs 110, 210, 310, 410) linked through telephones to provide additional function to the

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system 100, 200, 300, 400. *See, e.g.*, col. 7, line 10 – col. 8, line 48 and *see*, col. 6, line 30 (“A. PID-Enabled Data Network Telephony System”).

As noted hereinabove, an Internet server including the software dispatcher recited in claim 1, for example, may be added to a PBX to upgrade PBX based telephony services. With such an addition, PBX system “users would benefit from low cost IP telephony,” as an intermediate solution to replacing the system. Page 1, lines 23 – 28. Thus, because Schuster et al. teaches a packet based system with PBX features and using external devices connected through another intermediate device to provide additional functions to a packet based system; it is clear that Schuster et al. teaches away from “a software dispatcher in a telephony Internet server coupled between a packet network and a private branch exchange,” as claim 1 recites at lines 2 – 3. *See also*, claim 7, line 4, claim 12, line 2 – 4, and claim 16, line 4. Therefore, regardless of what is taught by Bowman-Amauh, the addition of load balancing and synchronously and asynchronously sending messages with Schuster et al., still fails to result in the present invention as recited in claim 1. Neither does the addition of managing “a pool of message threads to balance” and/or “a list of unique integers identifying ... dispatcher clients ... to receive ... messages” add anything to the combination of load balancing and synchronously and asynchronously sending messages with Schuster et al. result in the present invention as recited in claims 7, 12 or 16.

Furthermore, since dependent claims include all of the differences with the prior art as the claims from which they depend, the combination of Schuster et al. with Bowman-Amauh, alone or further in combination with Ben-Sachar et al., does not result in or suggest the present invention as recited in claim 2 – 6, 8 – 11, or 13 – 15, which depend from claims 1, 7 and 12, respectively. Reconsideration and withdrawal of the rejection of claims 1 – 16 under 35 U.S.C. §103(a) over Schuster et al. with Bowman-Amauh, alone or further in combination with Ben-Sachar et al. is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance for the reasons set forth

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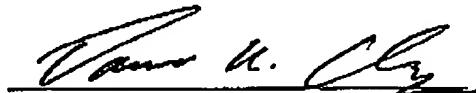
above, the applicants respectfully request that the Examiner consider new claims 17 – 20, reconsider and withdraw the rejection of claims 1 – 16 under 35 U.S.C. §103(a) and allow the application to issue.

The applicants note that MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she may note in the Office action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration.

(emphasis added). The applicants believe that the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney by telephone at (650) 694-5339 for a telephonic interview to discuss any other changes.

Respectfully submitted,



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